

## Coalition today: to build or not to build

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The current political crisis in Ukraine is adopting new - or rather - well-forgotten old - features. In addition to the de facto collapse of the parliamentary majority (though de jure none of the 281 MPs who belong to the majority - including the opposition activists like Oleksandr Turchynov - has submitted his or her formal withdrawal from the coalition originally designed to serve as support for the President and the government), multiplied by the «tapegate», the Gongadze case and activities of political opposition, the current situation features the return to public debates about prospects for the establishment of a coalition government in Ukraine.

Paradoxical as it may sound, the phrase «coalition government» in the current context was produced by the Cabinet of Ministers. As the Cabinet's official representative in the parliament Serhiy Sobolev put it, «unfortunately, and I admit it, the phrase «coalition government» emerged from inside the Cabinet of Ministers» (Kievskiy Telegraph, February 5, 2001). Yet, it appears that the government and the parliament interpreted the phrase in a different way. Perspectives expressed, and conditions made by potential participants of the «coalition-building» process were also too different for the project to be implemented. According to Sobolev, none of the consultation meetings with nine parliamentary factions and groups addressed the issue of forming a coalition government (Kievskiy Telegraph, February 5, 2001). Yet, a few days later the parliament's official newspaper informed that Prime Minister Victor Yushchenko had had consultations with parliamentary factions and groups about the possibility to form a coalition government but in the context of forming a working group designed for «preparing a memorandum about solidarity-based responsibility of the government and the parliament for the pursuit of the reforms» (Holos Ukrainy, February 8, 2001). Hence, in the current context Victor Yushchenko advocated not as much the idea of coalition-building as such, but linked the coalition to the matter of signing a memorandum on solidarity-based responsibility of the executive and the legislative branches.

The memorandum idea is about a year old, but so far has proved to be impossible to achieve. For the government the recreation of the «well-forgotten old business» appears to be a logical step towards more political security, given the de facto break-up of the parliamentary majority and the overt dissatisfaction of some influential factions of the majority with Victor Yushchenko. Yet, it has been clear that the implementation of such a plan is badly complicated by a number of political obstacles that make a compromise next to impossible. For instance, according to Deputy Speaker Stepan Havrysh, «steps towards institutionalization of a coalition government should include implementation of results of the all-Ukrainian referendum and the adoption of the law on the parliamentary majority and the parliamentary opposition. That would allow harmonization of relations between the branches of power» (Holos Ukrainy, February 8, 2001). In the midst of the current crisis the conditions are rather hard to meet.

Yet, the list of proposed compromises was not limited to the above conditions. Another prerequisite for signing the solidarity memorandum was the tentative «coalition government». The demand was made public by First Vice Speaker Victor Medvedchuk in early February 2001. Explaining his position and that of the SDPU(o) faction, Medvedchuk announced that Victor Yushchenko's statements about the coalition government «remain but declarations... It is the coalition government, and not the memorandum of cooperation would really assist cooperation between the government and the parliament» (Den, February 10, 2001). In this case we are dealing with two opposite interpretations of possible conditions for forming a coalition government in Ukraine. Hence, the first word in the coalition debate has been said.

The situation developed fast. The parliamentary majority itself featured a broad variety of views and opinions about possible coalition. For instance, leader of the Vidrodzhennya Rehioniv Oleksandr Volkov referred to the idea of forming a coalition government as a «myth», arguing that a coalition government would require «changing the relevant article of the Constitution» (Segodnya, February 12, 2001). At about the same time his faction rejected an offer to meet the Prime Minister.

Some other parliamentary factions continued to insist on building a coalition government. Victor Medvedchuk publicly claimed that the only thing that could «save» the Prime Minister was «to form a coalition government of representatives of parliamentary groups» (Fakty i Kommentarii, February 13, 2001). In his turn, Victor Yushchenko, trying to delay the prospect of forming a coalition under the current political circumstances and divert the threat to his own ability to keep the office - argued that in order to build a coalition government there is a need to «have a coalition of politicians and a law on the Cabinet of Ministers» (Uriadovyi Kurrier, February 16, 2001). According to Yushchenko, that would regulate and formalize a framework for relations between the government and the parliament and, therefore, would finally clear the issue of solidarity-based responsibility.

At the end of February the passionate debate about a coalition government entered a new stage marked by Medvedchuk's statement that the Yushchenko government would survive provided the President, the parliament and the government agreed on building a coalition government. The statement emphasized the current realities and prospects for the broken-up parliamentary majority. He also called for a «moratorium» on talks about the disintegration of the parliamentary majority and suggested to wait «whether the current majority would split up, whether another pro-reform majority would exist that would support a different government led by a different Prime Minister».

The Vice Speaker formulated his challenge bluntly: «Either the government takes the way of cooperation with the parliamentary majority through the creation of a coalition government, and adopts shared responsibility, or in April the majority creates a new coalition government with a new premier who will meet [the criteria of] cooperation between the branches of power,» said Medvedchuk (Holos Ukrainy, February 27, 2001).

The SDPU (o) is not alone in pushing for a coalition government. Some time ago leader of the Trudova Ukraina Serhiy Tihipko announced he supported Victor Medvedchuk's idea about the coalition government, and stressed that the Trudova Ukraina had called for it before. According to Tihipko – a politician who left the government less than a year ago to become an MP – «the matter is not about specific personalities... the question is not find a way to preserve the parliamentary majority that would constructively work for one more year that is left before the elections.» Tihipko described the mechanism, needed to form such a government, as «real» consultations for «discussing the platform on which the unification could take place, and the composition of the future majority, as well as specific personalities that could join the government.» Only after that, according to Tihipko, it would be time to «discuss specific positions and steps» that would «legally enhance such a government», in particular, by means of approving the law on the Cabinet of Ministers (Den, February 28, 2001).

Victor Yushchenko responded to the challenge by arguing that Vice Speaker Medvedchuk's statement was «an attempt to change the future of Ukraine». He stressed that the government would never agree to the «ultimatum-like dialogue with any political force» (Chas, March 2, 2001). Commenting on Medvedchuk's statements, Yushchenko argued they were «a clear attempt to break up the parliamentary majority and, finally, the only [method] of becoming the leader of the parliament through the collapse of the majority (UNIAN, February 28, 2001).

On March 2 Yushchenko made another, rather symbolic statement about foundations for building a coalition government in the current political environment. He argued that the issue of forming a coalition government was «not an object of work» and added that «nobody authorized the government to form a coalition government, this is not logical, because the whole motivation for forming a coalition government goes primarily through the formation of the coalition» (UNIAN, March 2, 2001).

Hence, the present «battle» for a coalition government did not result in anything. President Leonid Kuchma summarized the debate on March 6 by supporting the position of Prime Minister Yushchenko in his «coalition conflict» with the leadership of the parliament. The demonstration of support suggested that the Yushchenko government is unlikely to be replaced shortly by some other players. The President called on the rival politicians to stop talking about new principles of forming the government and added a traditional counter-argument to coalition-building efforts: «first of all, the government should be professional» (Interfax-Ukraina, March 6, 2001).

Ironically, similar arguments were used by the President for the same reason in March 1998 – though the question was about the government of Valery Pustovoitenko, and the discussion took place before

the 1998 parliamentary elections. The Pustovoitenko government survived notwithstanding the remarkably poor performance of Pustovoitenko's People's Democratic Party, then informally referred to as the «party of power». Shortly before the elections President Kuchma announced at a major national conference of taxation officers that he «strongly believed that Ukraine needs not a coalition government but a professional one. That is, the [government] in which the determining [factor] will not be party affiliation but professional knowledge and capability to organize work» (Uriadovyi Kurrier, March 12, 1998). While personalities and political circumstances have changed since then, the attitude to the issue is still there.

Generally, ideas about the need to form a coalition government emerge in Ukraine in times of trouble and political uncertainty. Initially the idea to form a coalition government emerged in the Pustovoitenko government. The idea was broadly discussed after the 1998 parliamentary elections. While discussions did not go any further, at that point the idea of a coalition government was firmly linked to the formation of a parliamentary majority, its political affiliations, and the election of the leadership of the parliament. The lengthy period of bargaining and lobbying that accompanied the election of Speaker provided a number of indicators of the condition of the political process. It could be illustrated with the opinion of Vyacheslav Chornovil, then leader of the single Rukh: negotiations with political parties represented in the parliament about forming a coalition government could start only after the election of the Speaker. «If he [i.e., the Speaker] is a left-winger, then we are not going to talk about any coalition government» (Nezavisimost, April 29, 1998). The bargaining over the election of the Speaker finalized the coalition illusions: «if a right-wing majority is formed in the parliament, the government, therefore, must be right-wing. If the parliamentary majority happens to be left-wing, then the left will have to form the government. <...> And we know from the «glorious» experience what consequences of a so-called coalition may be» (Segodnya, June 10, 1998), - argued Yuri Kostenko, ex-Minister of the Environment in the governments led by Yevhen Marchuk, Pavlo Lazarenko and Valery Pustovoitenko. Naturally, the 1998 attempts to build a coalition government produced no tangible result.

The issue of coalition-building – or rather, political discussions about it – was back on the agenda during the 1999 presidential election campaign. Then the idea of forming a coalition government was cautiously endorsed by almost all representatives of the Ukrainian branches of power. As before, coalition-building was linked to the formation of the parliamentary majority. As then ordinary member of the parliament, and later Vice Speaker Stepan Havrysh put it in October 1999, «the whole attitude to the Cabinet of Ministers must be changed. Since nowadays we are increasingly aware of political responsibility of the Verkhovna Rada, we must come to the point of forming a coalition government as an instrument of political responsibility» (Ukraina Moloda, October 12, 1999). Between the two rounds of the presidential elections Leonid Kuchma publicly announced: «I really want to have majority in the parliament. And that majority, together with the President, must form a coalition government» (Vysoky Zamok, November 12, 1999).

Talks about a coalition government became more assertive after President Leonid Kuchma was re-elected as a result of the November 1999 run-off, and the Pustovoitenko government had to leave the political stage. The parliamentary factions and interest groups that supported Leonid Kuchma's re-election ambitions wanted their dividends in the form of seats in the government. As in 1998, the notions of «coalition» and «majority» were used together in the political context. For instance, leader of the Green faction Vitaly Kononov argued that «the parliamentary majority is the order of the time. If we do not create it, the parliament will have to be dissolved... As far as the formation of a coalition government is concerned, I think it's possible because it is necessary.» Commenting on prospects for establishing a coalition government, Serhiy Teriokhin said «if the concept of a coalition government is adopted, I do not exclude a possibility that the parliament will agree to forming such a government» (Holos Ukrainy, November 20, 1999). The idea of a coalition government was rejected by the Communists: «speaking about a coalition government in contemporary Ukraine is, at least, not serious. Such talks only shield the President's strife to shift responsibility for the collapse in the state from himself to the government,» Hennady Kriuchkov argued. Obviously, as the losers, Communists could not hope to receive seats in the government, though after all the current government, repeatedly described as a team of pro-reform co-thinkers, does include a Communist, Minister of Labor and Social Security Ivan Sakhan.

After Victor Yushchenko was approved as prime Minister by the parliament on December 23, 1999, the parliament seemed to lose enthusiasm about forming a coalition government - at least the issue of

making a «classic» version of a coalition-based Cabinet of Ministers was not discussed. Leonid Kuchma gave Yushchenko «the initiative of forming the government's team» and the government was formed through «daily consultations» not only with representatives of «political forces in the Verkhovna Rada», but also with people of «moral authority in the Ukrainian society» (Den, December 30, 1999), as presidential chief of staff Volodymyr Lytvyn put it. In his turn, one of Yushchenko's most consistent supporters in the Ukrainian parliament, leader of the Party of Reform and Order Victor Pynzenyk publicly announced that «Yushchenko has taken an absolutely right position: to have neither political nor economic bargaining, for the idea of a coalition government is very good if there are ideologically close factions that form the majority. In the circumstances when there is a variety of ideologies and substantial differences in economic interests, a coalition government is doomed to failure. For Yushchenko it is important to have a united team.» Given interests of other political influence groups, Yushchenko's views on the way to form the government did not gain their enthusiastic support. In this context it is hard to disagree with the opinion expressed by Volodymyr Lytvyn: «What everyone wants most of all today is to divide and appoint to positions» (Den, December 30, 1999). The statement may serve as a good description of the understanding of a «coalition government» by the Ukrainian political elite.

Later on, in March 2000, after the «velvet revolution» in the parliament and the establishment of the parliamentary majority, Speaker Ivan Plushch announced he believed the creation of a coalition government was «far from the best option». He explained his view in very simple terms: «there can be no talks about any coalition» for «in order to talk about a coalition government one has to have vacancies» (Vysoky Zamok, March 24, 2000). There were so many vacancies in the government at the moment, the Speaker stressed.

However, besides free offices in Ukrainian ministries and departments that would be suitable for satisfying aspirations of political influence groups, when forming a coalition government there is a need to take into account an obvious - though very difficult for all Ukrainian governments - issue of the government's political accountability. This aspect is a key reason for institutionalization of relations between the Cabinet and the parliament. However, besides considering different interests in the coalition that are expressed by parliamentary factions, some legal issues also have to be taken into account, - primarily the fact that the issue of a coalition government does not have a legal definition, and that all efforts to create a legal framework for it so far have proved to be feckless. No matter whether members of the parliament, the Presidential administration and the executive branch have been unable or unwilling to agree on the matter, but the fact is that the current Ukrainian legislation lacks provisions regulating establishment and operation of a coalition government. The notion of a «coalition» is not present in the Constitution or other laws. The draft bill «On the Cabinet of Ministers of Ukraine», approved in 1997, has not become a law for years, and even the current «frozen» version lacks provisions for a coalition government. The current Cabinet of Ministers operates in accordance with the Soviet-time law «On the Council of Ministers of the Ukrainian SSR» that has only undergone some «face-lifting». Hence, in order for a coalition government to become a legitimate reality, a massive law-making effort is needed - from adopting a law on the Cabinet of Ministers to amending the Constitution. Neither appears to be realistic today.

Speaking about prospects for forming a coalition government in Ukraine, one should take into account the current political crisis and the fact that the Yushchenko government will lose its «immunity» in about a month. The one-year term since the approval of the government's Program of Action by the parliament, during which the parliament cannot initiate the dismissal of the government (as stipulated by the Constitution) expires on April 15. Given the deterioration of the parliamentary majority and weakening of Yushchenko's positions in the parliament, rival political interest groups have chosen a good moment for bargaining about a coalition government. However, the lack of adequate legislation and the current political reality limit the issue of a coalition government to the level of bargaining about individual positions in the current government and possible situational reshuffles in the Cabinet. The strongest incentive to fight for seats in the government is the access to administrative and budget resources that will be critical for the success of political parties and interest groups' candidates at the forthcoming parliamentary elections due in March 2002. It looks like the mixed election system will be preserved, and, therefore, 50% of the seats in the 450-member parliament will be elected through majoritarian constituencies. In this context the strife for a «coalition government» is directly linked to the strife for control of the administrative and budget resources at the elections. The combination of these factors is expected to be the necessary source of control over processes in this country. Logically, the relations between the government and the parliament are bound to continue to be complicated with

bargaining for seats in the executive offices and «coalition» claims. The access to the administrative and budget resources will not lose significance after the 2002 parliamentary race, as the country will face an even more important, presidential race in 2004.